



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II  
EDISON, NEW JERSEY 08837

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

October 4, 2012

Rob Chambers  
Chapel Street Partners  
99 Chapel Street  
Newark, NJ 07105-4101

RE: Consent to Access for Soil Testing  
Block: 2442, Lot: 10-12  
Barth Smelting Corp. Site

Dear Mr. Chambers:

The U.S. Environmental Protection Agency ("EPA") is seeking to evaluate the Barth Smelting Site located at 99-129 Chapel Street, Newark, New Jersey ("Site") to determine the need for a removal action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675.

Barth Smelting and Refining Co., Inc. operated from the mid-1940s until the early 1980s, producing brass and bronze ingots in addition to handling non-ferrous metals. The historic operations conducted at the site may have resulted in the release of heavy metals into the soils. We seek to determine whether your property may have been impacted by the potential contaminants from the former Barth Smelting Corp. Site.

Because hazardous conditions at the Site may pose a significant threat to human health and the environment, we request that you sign the enclosed Consent for Access form which will allow EPA to undertake an investigation, sampling, and if deemed necessary, removal of hazardous substances and other necessary related work at the Site. Please sign the enclosed access form and fax or mail it back in the enclosed self addressed stamped envelope as soon as possible. My fax number is (732) 906-6182. EPA is planning to begin soil sampling at your property the week of October 15th.

By this letter, EPA is providing you with an opportunity to voluntarily permit EPA to enter and have continued access to your property. Please be advised that EPA has the authority, pursuant to CERCLA, to obtain all necessary access in order to implement necessary investigatory and removal activities. Specifically, under Section 104(e)(3) of CERCLA, 42 U.S.C. § 9604(e)(3), EPA is authorized to enter any place "where any hazardous substance ... may be or has been disposed of" or property "from which or to which a hazardous substance has been or may have been released." Your property is such a place.

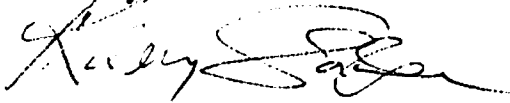
If you had a Phase I Environmental Assessment prior to the purchase of your property, please provide a copy to myself. Any correspondence can be addressed to me at:

Kimberly Staiger  
US EPA Region II  
2890 Woodbridge Ave  
MS-211  
Edison, NJ 08837

If you have any questions or comments regarding this matter, please feel free to call me at (732) 452-6415.

Thank you for your anticipated cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly Staiger', with a stylized flourish at the end.

Kimberly Staiger  
On-Scene Coordinator  
EPA Region 2  
[Staiger.kimberly@epa.gov](mailto:Staiger.kimberly@epa.gov)  
Tel: (732) 452-6415  
Fax: (732) 906-6182

Enclosure -Consent for Access Form

## **CONSENT FOR ACCESS TO PROPERTY**

**Property:**                    99-129 Chapel Street, Newark, New Jersey  
Block: 2442, Lots: 10, 11, 12

**Name:**

I, the undersigned, certify that I am the current owner of the above-referenced property or that I am authorized on behalf of the current owner of the above-referenced property to sign this Consent for Access to the Property. As the current owner or authorized agent of the current owner, I consent to officers, employees, and authorized representatives of the United States Environmental Protection Agency ("EPA") entering and having continued access to the above described property (the "Property") in order to perform the following investigative activities:

- Clearing brush and debris to provide physical accessibility for collection of soil samples;
- Collecting soil samples as determined to be necessary by EPA; and
- Document samples taken on the Property with photographs, site sketches and GPS coordinates.

I understand that such representatives may include contractors and/or subcontractors hired by EPA. In addition, I understand that representatives may be from other federal and state agencies and their agents. I understand and agree that the above-mentioned representatives will be free to enter upon my property at all reasonable times.

I recognize that performance of such actions may require some disturbance to the property and EPA will minimize any disturbance as much as possible. To the extent practicable, EPA will make all attempts to restore disturbed areas to its prior condition.

I understand that EPA requires its contractors to maintain comprehensive vehicle liability insurance, and comprehensive general liability insurance for bodily injury, death, and loss or damage to property or third persons, arising from the activities of its contractors. I further understand that insurance should be maintained at all times that EPA's contractors are conducting activities on my property.

I am aware that these actions are being undertaken by EPA pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9601, *et seq.*

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name of Signatory

\_\_\_\_\_  
Title